

REMARKS

This is in full and timely response to the non-final Office Action dated June 9, 2005(Paper No./Mail Date 10). The present Amendment amends claims 1, 4, 5, 7, 9 and 10 to improve form and language. The amendments to the specification are to improve form and to correct idiomatic English. No new matter has been added. Accordingly, claims 1 to 11 are presently pending in the application, each of which is believed to be in condition for allowance. Reexamination and reconsideration in light of the present Amendment and the following remarks are respectfully requested.

Claim to Priority

Acknowledgement of the proper receipt of the certified formal papers filed in connection with Applicant's claim to priority under 35 U.S.C. § 119(a)-(d) is noted with appreciation.

Drawings

According to the examiner's instructions, a Replacement Sheet for Figures 10A, 10B and 11 have been attached to this Amendment in order to designate the figures as "Related Art." None of these changes are believed to constitute new matter. Accordingly, entry of these corrected drawings and withdrawal of the objection to the drawings is courteously solicited.

Claim Objections

The Applicant thanks the examiner for a thorough reading of the claims. In accordance with the examiner's suggestion, claims 4, 5 and 7 and have been amended to correct a number of minor informalities. Namely, the recitations of "surfaces" have been changed to "surface." Withdrawal of this objection is therefore courteously solicited.

Claim Rejections- 35 U.S.C. § 112

In the Action, claims 4, 5 and 10 were rejected under 35 U.S.C. § 112, second paragraph, for alleged indefiniteness. Applicant respectfully traverses this rejection. However, in order to expedite prosecution, claims 4 and 10 have been amended in accordance with the examiner's

instructions. Namely, use of the words “can” and “cannot” have been avoided. Withdrawal of this rejection is therefore courteously solicited.

Claim Rejections- 35 U.S.C. § 103

In the Action, claims 1-4 and 6-11 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Application Publication No. 2002/0001157 to Kang et al (“Kang”) in view of U.S. Patent No. 6,628,480 to Kohira et al (“Kohira”). This rejection is respectfully traversed.

Independent claims 1 and 9 recite, *inter alia*, a leading step that extends from a front edge of said leading pad to a front edge of said slider; two side steps that extend from the behind of said leading pad to the right and the left and to connect to said two side pads...said leading step and said side steps **are joined at the side parts of the slider and extend to the side edges of said slider**.

On page 4 of the Office Action, it has been conceded that Kang does not disclose that the leading step and the side steps are joined at the side parts of the slider. Consequently, in order for a *prima facie* case of obviousness to be successfully established, Kohira must teach that the leading step and the side steps are joined at the side parts of the slider. However, although Kohira arguably discloses a front step bearing 5, a rail surface 6 continuing from the front step bearing and paired side step bearings 7, 8 with the same depth as the front step bearing, Kohira fails to disclose, teach or suggest at least that the leading step and the side step are **joined at the side parts** of the slider and extend to the side edges of the slider as recited in claims 1 and 9. *See, e.g.*, col. 4, lines 8-19, Fig. 1, 2 and 16-22. In fact, Kohira arguably discloses that the front step bearing and the paired side step bearings are not joined at the side parts of the slider but that they are separated by the rail surface 6, in contrast to the language of claims 1 and 9. *See, e.g.*, Fig. 1, 2 and 16-22.

Accordingly, because Kang and Kohira, either alone or in combination, fail to disclose, teach or suggest each and every limitation of claims 1 and 9, a *prima facie* case of obviousness has not been established, and withdrawal of this rejection is respectfully requested. *See, e.g., In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *accord*. MPEP 2143.03.

Moreover, aside from the novel limitations recited therein, claims 2-4 and 6-8, being dependent upon allowable base claim 1, are also allowable at least by virtue of their dependency upon allowable claim 1. Likewise, aside from the novel limitations recited therein, claims 10 and 11, being dependent upon allowable base claim 9, are also allowable at least by virtue of their dependency upon allowable claim 9. Withdrawal of the rejection of these claims is therefore courteously solicited.

Claim Rejections- 35 U.S.C. § 102

In the Action, claims 1-11 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2003/0214756 to Yamamoto et al (“Yamamoto”). This rejection is respectfully traversed.

The above-identified application is entitled to benefit of the filing date of Japanese Patent Application No. P2002-325791. This Japanese Patent Application has a priority date of November 8, 2002. The Yamamoto reference has a publication date of November 20, 2003 and a filing date of April 7, 2003. However, the publication date and the filing date of the Yamamoto reference is *later than* the priority date of the above-identified application. The Yamamoto reference claims priority to Japanese Application No. 2002-108007 with a filing date of April 10, 2002. However, a reference’s foreign priority date under 35 U.S.C. §119(a)-(d) cannot be used as the 35 U.S.C. §102(e) reference date. *See M.P.E.P. §2136.03. A copy of the English language translation for the Japanese Patent Application No. P2002-325791 is filed concurrently herewith. M.P.E.P. §201.15.*

In view of the effective filing date of the Japanese Patent Application No. P2002-325791, withdrawal of the rejection of claims 1-11 is courteously solicited.

Conclusion

For at least the foregoing reasons, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the examiner is respectfully requested to pass this application to issue. If the examiner has any comments or suggestions that could place this application in even better form, the examiner is invited to telephone the undersigned attorney at the below-listed number.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2848 from which the undersigned is authorized to draw.

Dated:

Respectfully submitted,

By 

Ronald P. Kananen

Registration No.: 24,104

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorney for Applicant

Attachments: Replacement Sheet for Figures 10A and 10B.

Replacement Sheet for Figure 11.

AMENDMENTS TO THE DRAWINGS

The attached sheets of drawings include changes to Figures 10A, 10B and 11. These changes are to include the legend --Related Art--as instructed by the examiner.